

# HOUSE . . . . . No. 2737

## The Commonwealth of Massachusetts

PRESENTED BY:

**John V. Fernandes**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the calculation of income for spouses of nursing home residents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John V. Fernandes	10th Worcester
Stephen L. DiNatale	3rd Worcester
Barbara A. L'Italien	18th Essex
James R. Miceli	19th Middlesex
Denise Provost	27th Middlesex
Robert L. Rice, Jr.	2nd Worcester
Joyce A. Spiliotis	12th Essex
William N. Brownsberger	24th Middlesex
Patricia D. Jehlen	Second Middlesex
Mark V. Falzone	9th Essex
Mary E. Grant	6th Essex
Geraldo Alicea	6th Worcester
Ruth B. Balser	12th Middlesex
Mary E. Grant	6th Essex
Kathi-Anne Reinstein	16th Suffolk
Walter F. Timilty	7th Norfolk
Theodore C. Spiliotis	13th Essex
Kay Khan	11th Middlesex

# The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

## AN ACT RELATIVE TO THE CALCULATION OF INCOME FOR SPOUSES OF NURSING HOME RESIDENTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subsection (c) of section 21A of chapter 118E is amended by deleting the current  
2 subsection and substituting the following new subsection:-

3 (c) In making determinations under this section, the division shall revise the community spouse resource  
4 allowance as permitted or required by federal law. Either spouse shall have the right to request a fair  
5 hearing at which, if it is shown that the income of the community spouse is less than the minimum  
6 monthly maintenance needs allowance of the community spouse, the referee shall revise the community  
7 spouse resource allowance, using methods permitted or required by federal law, to a level sufficient to  
8 generate the shortfall in income. The division shall calculate interest income on the investment of the  
9 community spouse resource allowance using the average money market rates reported by Bank Rate Inc.  
10 on the date of the hearing.